

REMARKS

Applicants thank Examiner Elhilo for calling Applicants' undersigned representative and indicating the allowable subject matter. The substance of the telephonic interview on November 3, 2005, is correctly reflected in the Examiner's Interview Summary.

I. Status of Claims

In the present Amendment, claims 1, 22, 42, and 64 are amended, which are substantively same as the Examiner's Amendments, but shown in a clear format. Claims 3-14, 23-34, and 45-56 are canceled without prejudice or disclaimer. Therefore, as the Examiner indicates, claims 1, 2, 15-22, 25-44, and 57-65 are allowed. Notice of Allowability, page 3.

II. Comments on Statement of Reasons for Allowance

Applicants thank the Examiner for the Notice of Allowability and Statement of Reasons for Allowance dated December 20, 2005. Without withdrawing the claims from issue, Applicants submit the following comments to clarify the records.

The Examiner states in Reasons for Allowance that "the comparative data in the specification at pages 13-14, demonstrates that the combination of the claimed polymers in the oxidizing composition provided unexpected results of physical stability (8 weeks) over the composition of the prior art that teaches one polymer (5 days)." This statement implicitly indicates that the comparative data disclosed in the specification at pages 13-14 is used to show non-obviousness. However, this is incorrect. The Examiner clearly states in Reasons for Allowance that "[t]he closest prior art of record (US 5,989,295), does not teach or disclose a composition . . . as claimed." The

Examiner has not pointed to any evidence to anticipate or render the presently-claimed invention obvious. As the Examiner has not established a *prima facie* case of obviousness on the record, Applicants do not have a burden to rebut by showing unexpected results as characterized by the Examiner. Therefore, the comparative data in the specification at pages 13-14 should not be used, either explicitly or implicitly, as a reason for allowance.

Please grant any extensions of time required to enter this Amendment and response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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